Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1.-76. (Canceled)

77. (Original) A device for intracorporeal use within a patient's body, comprising:

an implantable scaffold;

at least one source of at least one therapeutic capable agent having a degree of crystallinity less than about 90 % and associated with the scaffold and configured to release the therapeutic capable agent within the patient's body; and

a rate-controlling element disposed adjacent at least a portion of the source and being configured to control the release of the therapeutic capable agent to the patient's body.

78. (Original) A device as in Claim 77 wherein the therapeutic capable agent has a degree of crystallinity less than about 50 %.

79. (Currently Amended) A device for intracorporeal use within a patient's body, comprising:

an implantable scaffold;

at least one source of at least one therapeutic capable agent associated with the scaffold and configured to release the therapeutic capable agent at a targeted tissue site within the patient's body; and

a rate-controlling element disposed adjacent at least a portion of the source and being configured to effectuate a therapeutic capable agent flux density of about 1.71x10-14 g/(cm^{2}s) ~~ug/(cm^{2}s)~~ to about 1.71x10-8 g/(cm^{2}s) ~~ug/(cm^{2}s)~~.

80. (Currently Amended) A device for as in Claim 79 wherein the flux density ranges from about 1.71x10-14 g/(cm^{2}s) ~~ug/(cm^{2}s)~~ to about 3.43x10-9 g/(cm^{2}s) ~~ug/(cm^{2}s)~~.

81. (Currently Amended) A device for as in Claim 79 wherein the flux density ranges from about 8.57x10-12 g/(cm^{2}s) ~~ug/(cm^{2}s)~~ to about 3.43x10-9 g/(cm^{2}s) ~~ug/(cm^{2}s)~~.

82. (Currently Amended) A device for as in Claim 79 wherein the flux density ranges from about 1.71x10-11 g/(cm^{2}s) ~~ug/(cm^{2}s)~~ to about 1.03x10-9 g/(cm^{2}s) ~~ug/(cm^{2}s)~~.

83. (Original) A device for intracorporeal use within a patient's body, comprising:

an implantable scaffold;

at least one source of at least one therapeutic capable agent associated with the scaffold and configured to release the therapeutic capable agent at a targeted tissue site within the patient's body; and

a rate-controlling element disposed adjacent at least a portion of the source and being configured to control the release of the therapeutic capable agent in the patient's body, the device having a residual stress in an unexpanded state less than about 10%.

84. (Original) A device for as in Claim 83 wherein the residual stress is less than about 5 %.

85. (Original) A device for as in Claim 83 wherein the residual stress is less than about 1%.

86. (Original) A device for as in Claim 83 wherein the residual stress is less than about 0.5%.

87.-105. (Canceled)

106. (Original) A device for intracorporeal use within a patient's body, comprising:

an implantable scaffold;

at lease one source of at least one therapeutic capable agent associated with the scaffold and configured to release the therapeutic capable agent within the patient's body; and

a rate-controlling element layer covering at least a portion of the source and being formed from a non-porous material.

107. (Original) A device as in Claim 106, wherein the non-porous material comprises parylene.

108. (Withdrawn) A device as in Claim 106, wherein the nonporous material becomes at least partially porous when exposed to conditions in the patient's body.

109. (Withdrawn) A device as in claim 106, wherein the rate-controlling element becomes disrupted when exposed to conditions in the patient's body.

110. (Withdrawn) A device as in Claim 106, wherein the rate-controlling element includes a therapeutic capable agent.

111. (Withdrawn) A device as in Claim 110, wherein the therapetuic capable agent in the rate controlling element is the same as the therapeutic capable agent in the source.

112. (Original) A device as in claim 106, wherein the nonporous material is selected from the group consisting of plasma deposited polymers, sputtered materials, evaporated materials, electroplated metals, electroplated alloys, glow discharge coatings, polyethylenes, polyurethanes, silicone rubber, cellulose, and parylene.

113. (New) A device as in Claim 77 wherein the at least one source of at least one therapeutic capable agent has a degree of crystallinity less than about 50 %.

114. (New) A device as in Claim 77 wherein the at least one source of at least one therapeutic capable agent as formed on the scaffold has a degree of crystallinity less than about 90 %.

115. (New) A device as in Claim 77 wherein the at least one source of at least one therapeutic capable agent as formed on the scaffold has a degree of crystallinity less than about 50 %.

116. (New) A device as in Claim 77 wherein the at least one therapeutic capable agent as formed on the scaffold has a degree of crystallinity less than about 90 %.

117. (New) A device as in Claim 77 wherein the at least one therapeutic capable agent as formed on the scaffold has a degree of crystallinity less than about 50 %.

118. (New) A device as in Claim 77 wherein the at least one therapeutic capable agent has a degree of crystallinity less than about 90 %.

119. (New) A device as in Claim 77 wherein the at least one source comprises a matrix including the at least one therapeutic capable agent.

120. (New) A device as in Claim 77 wherein the at least one source comprises the at least one therapeutic capable agent.

121. (New) A device as in Claim 79 wherein the at least one source comprises a matrix including the at least one therapeutic capable agent.

122. (New) A device as in Claim 79 wherein the at least one source comprises the at least one therapeutic capable agent.

123. (New) A device as in Claim 83 wherein the at least one source comprises a matrix including the at least one therapeutic capable agent.

124. (New) A device as in Claim 83 wherein the at least one source comprises the at least one therapeutic capable agent.

125. (New) A device as in Claim 106 wherein the at least one source comprises a matrix including the at least one therapeutic capable agent.

126. (New) A device as in Claim 106 wherein the at least one source comprises the at least one therapeutic capable agent.

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figs. 17A, 17B, 18A, 18B, 19A, 19B, 19C, 19D, 19E, 20A, 20B, 21A, 21B, 22, 23A, 23B, 24, and 25. These sheets replace the original sheets numbered 23-35.

Attachment: Replacement Sheets 23-35
Annotated Sheets Showing Changes